

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MOHAMMED H. RAHEEN

Respondent.

File No. 2007-122

OAH No. N2007030612

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 10, 2008.

IT IS SO ORDERED December 10, 2007.

LaTranene Tate

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended
Accusation Against:

MOHAMMED HAIDER RAHEEN

Registered Nurse License No. 508008
Nurse Practitioner Certificate No. NP
12847
Nurse Practitioner Furnishing Number
No. NPF 12847

Respondent.

Case No. 2007-122

OAH No. N2007030612

PROPOSED DECISION

On September 4, 2007, in Sacramento, California, Ann Elizabeth Sarli, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Kent D. Harris, Deputy Attorney General.

Respondent was represented by Joseph Welch, Attorney at Law.

The record was closed and the matter submitted on September 4, 2007.

FACTUAL FINDINGS

1. On November 8, 2006, complainant and petitioner Ruth Ann Terry, M.P.H., R.N., made and filed an Accusation in her official capacity as Executive Officer, Board of Registered Nursing (Board), Department of Consumer Affairs, State of California. Respondent timely requested a hearing by filing a Notice of Defense. A First Amended Accusation was made and filed on August 14, 2007. A hearing was held pursuant to Government Code section 11505.

2. On February 2, 1995, the Board issued Registered Nurse License Number 508008 to respondent. On August 17, 2001, the Board issued Nurse Practitioner Certificate Number NP 12847 to respondent. On May 17, 2004, the Board issued Nurse Practitioner Furnishing Certificate Number NPF 12847 to respondent. At all times relevant the license and certificates were in full force and effect.

3. On November 21, 2006, respondent's Physician Assistant license was revoked by a Decision and Order of the Physician's Assistant Committee for the Medical Board of California (Committee). Pursuant to the Decision and Order, the revocation was stayed and respondent's Physician's Assistant license was placed on probation for five years on terms and conditions.

4. In issuing its Decision and Order, the Committee adopted a Stipulated Settlement and Disciplinary Order, which respondent entered into, with advice of counsel, on October 11, 2006. When respondent executed the Stipulated Settlement and Disciplinary Order, he admitted, under a section entitled "Culpability" to the "truth of each and every charge and allegation in Accusation No. 1E-2006-174763."

5. Accusation No. 1E-2006-174763 was filed by the Committee on September 13, 2006. It alleged that respondent engaged in sexual misconduct with a patient and thereby subjected his license to discipline under Business and Professions Code sections 3527, 2234, subdivision (a), and 726. The Accusation alleged that on April 1, 2006, respondent pinned a patient against the wall of an examination room, hugged her, tried to kiss her and asked her whether she would be with anyone beside her boyfriend. She escaped by telling him she would think about it. Later, on May 20, 2006, the patient placed a pretext call in the presence of Medical Board Senior Investigators. Respondent confirmed that he wanted to have a sexual relationship with the patient and agreed to take her to a motel. He agreed to meet her at his office at 5 p.m. and that he would bring condoms. The patient later called to say she would be late and respondent arranged to meet her at a nearby Starbucks. He arrived at Starbucks as arranged, only to find the Medical Board investigators. The Accusation alleged that respondent admitted to the investigators that he had arranged to meet the patient and had brought condoms. He was planning on bringing her to a motel, and was prepared to pay cash at the motel so his wife would not see a charge appear on his credit card bill. Respondent told the investigators that he thought it was all right to have sex with a patient, since he was meeting her at Starbucks and not at his office.

6. Respondent is having difficulty obtaining employment in the medical community. He lost his position as a physician's assistant in the summer of 2006, following the Accusation. He testified that he has applied for multiple positions as a physician's assistant, as well as volunteer positions, and no one will hire him because of the "decision against him."

7. Respondent has been on probation to the Committee since November 2006. His probationary term is set to expire in November 2011. He has completed some of the terms of probation. He attended and completed the PACE¹ professional boundaries program, a three-day intensive course. He completed a two-day medical ethics course, and is participating in that course's "longitudinal follow-up." He is current on his continuing medical education credits. Respondent believes that he is current on his obligations to the Committee under the conditions of probation. However, as he has not practiced since the summer of 2006, he is not currently subject to some of the terms and conditions, such as unannounced clinical site visits, monitoring/supervision and third party chaperone when examining or treating female patients.

8. Complainant established that the reasonable costs of investigation and prosecution of this matter were \$4,199.50. Complainant established that the scope of the investigation was appropriate to the alleged misconduct. Respondent testified that he has taken some very expensive coursework as required in the terms of probation to the Committee. He is also paying the Committee the costs of probation monitoring and \$5,517.25, in cost recovery. He testified that he could pay the Board cost recovery in installments if he was employed.

LEGAL CONCLUSIONS

1. As set forth in Factual Findings 1 through 7, cause exists to subject respondent's license to disciplinary action under Business and Professions Code² sections 2750, and 2761, subdivision (a) (4) (unprofessional conduct-revocation or disciplinary action taken by another California health care professional licensing board.)

2. Pursuant to section 125.3 and Factual Finding 8, complainant is entitled to reimbursement from respondent for the reasonable costs of investigation and prosecution of this matter in the sum of \$4,199.50.

3. Respondent is currently compliant with the terms and conditions of his probation to the Committee. It would not be adverse to the public interest to allow respondent to practice nursing on a restricted license and certificates, with a term to run concurrently with his current probationary term, and on terms and conditions designed to protect the public.

ORDER

¹ Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine.

² All statutory references are to the California Business and Professions Code unless otherwise indicated.

Registered Nurse License Number 508008 issued to Mohammed Haidar Raheen, Nurse Practitioner Certificate Number NP 12847 issued to Mohammed Haidar Raheen, and Nurse Practitioner Furnishing Certificate Number NPF 12847 issued to Mohammed Haidar Raheen, are REVOKED. However, said revocations are stayed and respondent's license and certificates are placed on probation for a term of four (4) years, on the following terms and conditions:

SEVERABILITY CLAUSE

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's licenses shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse or nurse practitioner outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, nurse practitioner, vocational nurse, or practical nurse.

BOARD OF REGISTERED NURSING

Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license or nurse practitioner license.

(6) FUNCTION AS A REGISTERED NURSE/NURSE PRACTICIONER - Respondent, during the period of probation, shall engage in the practice of registered nursing or nurse practitioner in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing or nurse practitioner" may include, when approved by the Board, volunteer work as a registered nurse or nurse practitioner, or work in any non-direct patient care position that requires licensure as a registered nurse or nurse practitioner. Practice as a physician's assistant may be substituted for the practice of registered nursing or nurse practitioner, when approved by the Board.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse or nurse practitioner. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse or nurse practitioner upon request of the Board.

Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse or nurse practitioner, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse or nurse practitioner in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse or nurse practitioner, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses or nurse practitioners. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing or nurse practitioner no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

At the discretion of the Board, the courses respondent has taken in compliance with the terms and conditions of his probation to the Committee may be substituted for the nursing course(s).

(11) COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$4,199.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

(12) VIOLETION OF PROBATION - If a respondent violates the conditions of his probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.


(13) LICENSE SURRENDER - During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his licenses to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered licenses and wall certificates, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's licenses shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse or nurse practitioner whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

One year for a license surrendered for a mental or physical illness.

Dated: September 28, 2007


ANN ELIZABETH SARLI
Administrative Law Judge
Office of Administrative Hearings

BOARD OF REGISTERED NURSING

⁸ OCT - 4 2007

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 ARTHUR D. TAGGART

Supervising Deputy Attorney General

3 KENT D. HARRIS, State Bar No. 144804

Deputy Attorney General

4 California Department of Justice

1300 I Street, Suite 125

5 P.O. Box 944255

Sacramento, CA 94244-2550

6 Telephone: (916) 327-1466

Facsimile: (916) 327-8643

7 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation Against:

Case No. 2007-122

13 MOHAMMED HAIDAR RAHEEN

3196 Shelter Cove Lane

14 Elk Grove, CA 95758

OAH No. 2007030612

**FIRST AMENDED
ACCUSATION**

15 Registered Nurse License No. 508008

Nurse Practitioner Certificate No. NP 12847

16 Nurse Practitioner Furnishing Number No. NPF 12847

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this First Amended
22 Accusation solely in her official capacity as the Executive Officer of the Board of Registered
23 Nursing ("Board"), Department of Consumer Affairs. This First Amended Accusation replaces
24 nunc pro tunc the Accusation heretofore filed.

25 **Registered Nurse License No. 508008**

26 2. On or about February 2, 1995, the Board issued Registered Nurse License
27 Number 508008 to Mohammed Haidar Raheen ("Respondent"). Respondent's registered nurse

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1 license was in full force and effect at all times relevant to the charges brought herein and will
2 expire on October 31, 2008, unless renewed.

3 **Nurse Practitioner Certificate No. NP 12847**

4 3. On or about August 17, 2001, the Board issued Nurse Practitioner
5 Certificate Number NP 12847 to Respondent. Respondent's nurse practitioner certificate was in
6 full force and effect at all times relevant to the charges brought herein and will expire on October
7 31, 2008, unless renewed.

8 **Nurse Practitioner Furnishing Certificate No. NPF 12847**

9 4. On or about May 17, 2004, the Board issued Nurse Practitioner Furnishing
10 Certificate Number NPF 12847 to Respondent. Respondent's nurse practitioner furnishing
11 certificate was in full force and effect at all times relevant to the charges brought herein and will
12 expire on October 31, 2008, unless renewed.

13 **STATUTORY PROVISIONS**

14 5. Business and Professions Code ("Code") section 2750 provides, in
15 pertinent part, that the Board may discipline any licensee, including a licensee holding a
16 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
17 2750) of the Nursing Practice Act.

18 6. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed nurse
20 or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct . . .

22

23 (4) Denial of licensure, revocation, suspension, restriction, or any other
24 disciplinary action against a health care professional license or certificate by
25 another state or territory of the United States, by any other government agency, or
26 by another California health care professional licensing board. A certified copy of
the decision or judgment shall be conclusive evidence of that action . . .

26 **Cost Recovery**

27 7. Code section 125.3 provides, in pertinent part, that the Board may request
28 the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Physician Assistant Committee)**

5 8. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about November 21,
7 2006, pursuant to the Stipulated Settlement and Disciplinary Order accepted and adopted as the
8 Decision and Order by the Physician Assistant Committee ("Committee") for the Medical Board
9 of California in the disciplinary proceeding titled *In the Matter of the Accusation Against:*
10 *Mohammad H. Raheen, P.A.*, Case No. 1E-2006-174763, the Committee revoked Respondent's
11 Physician Assistant License No. PA-16134. The revocation was stayed and Respondent was
12 placed on probation for five (5) years on terms and conditions. True and correct copies of the
13 Order Correcting Clerical Error in "License Number" Portion of Decision and Decision and
14 Order are attached hereto as exhibit "A" and incorporated herein by reference.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 508008, issued
19 to Mohammed Haidar Raheen;

20 2. Revoking or suspending Nurse Practitioner Certificate Number NP 12847,
21 issued to Mohammed Haidar Raheen;

22 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number
23 NPF 12847, issued to Mohammed Haidar Raheen;

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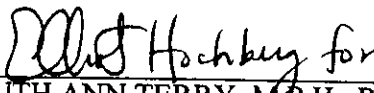
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1 4. Ordering Mohammed Haidar Raheen to pay the Board of Registered
2 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3;


4 5. Taking such other and further action as deemed necessary and proper.

5 DATED: 8/14/07.

6
7  for
8 RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant
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Exhibit A
Order Correcting Clerical Error in “License Number” Portion of Decision and Decision and Order


Richard L. Wallinder, Jr., Executive Officer
Physician Assistant Committee
Medical Board of California

BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Mohammad H. Raheen, P.A.

Physician Assistant
License No. PA 16134

Respondent

Case No.: 1E-2006-174763

Decision and Order

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 21, 2006

ORDERED November 14, 2006

PHYSICIAN ASSISTANT COMMITTEE


Robert Sachs, P.A., Chairperson

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 G. LYNN THORPE, State Bar No. 112122
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-9226
Facsimile: (916) 327-2247

7 Attorneys for Complainant
8

9
10 **BEFORE THE**
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

14 MOHAMMAD H. RAHEEN, P.A.

15
16 Respondent.

Case No. 1E-2006-174763

OAH Case No. N2006080268

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Richard L. Wallinder, Jr. (Complainant) is the Executive Officer of the
23 Physician Assistant Committee. He brought this action solely in his official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by G.
25 Lynn Thorpe, Deputy Attorney General.

26 2. Mohammad H. Raheen, P.A. (Respondent) is represented by represented
27 by Joseph A. Welch, whose address is Hintz & Welch, 1006 4th Street, Suite 220, Sacramento,
28 California 95814.

3. On or about November 28, 2001, the Physician Assistant Committee (Committee) issued Physician Assistant Certificate number PA-16134 to Mohammad H. Raheen, P.A. (Respondent). Respondent's Physician Assistant Certificate was in full force and effect at all times relevant to the charges brought within the Accusation and will expire on September 30, 2007, unless renewed. On August 10, 2006, an interim suspension order was issued pursuant to Government Code section 11529, suspending the license.

JURISDICTION

4. Accusation No. 1E-2006-174763 was filed before the Physician Assistant Committee (Committee) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 13, 2006.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1E-2006-174763. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1E-2006-174763.

9. Respondent agrees that his Physician Assistant License is subject to discipline and he agrees to be bound by the Committee's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physician Assistant Committee, Medical Board of California, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Physician Assistant Committee. Respondent understands and agrees that counsel for Complainant and the staff of the Physician Assistant Committee may communicate directly with the Committee regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Committee considers and acts upon it. If the Committee fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Committee shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Committee may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician Assistant License No. PA-10387 issued to Respondent Mohammad H. Raheen, P.A. is revoked. However, the revocation is

1 stayed and Respondent is placed on probation for five (5) years on the following terms and
2 conditions:

3 1. ACTUAL SUSPENSION As part of probation, Respondent is suspended
4 from the practice of medicine as a physician assistant for sixty (60) days. Respondent shall
5 receive credit for each day of suspension commencing on August 10, 2006 when the Interim
6 Suspension Order became effective.

7 2. PROFESSIONAL BOUNDARIES PROGRAM Within sixty (60)
8 calendar days from the effective date of this Decision, Respondent shall enroll in a professional
9 boundaries program, at Respondent's expense, equivalent to the Professional Boundaries
10 Program, Physician Assessment and Clinical Education Program at the University of California,
11 San Diego School of Medicine ("Program"). Respondent, at the Program's discretion, shall
12 undergo and completed the Program's assessment of Respondent's competency, mental health
13 and/or nueropsychological performance, and at a minimum, a 24 hour program of interactive
14 education and training in the area of boundaries, which takes into data obtained from the
15 assessment and from the Decision, Accusation and other information that the Committee or its
16 designee deems relevant.

17 Failure to complete the Program not later than six months after Respondent's
18 initial enrollment shall constitute a violation of probation unless the Committee or its designee
19 agrees in writing to a later time for completion. Based upon Respondent's performance in and
20 evaluations from the assessment, education, and training, the Program shall advise the
21 Committee or its designee of its recommendation(s) for additional education, training,
22 psychotherapy and other measures necessary to ensure that Respondent can safely practice as a
23 Physician Assistant. Respondent shall submit to a final evaluation. The Program shall provide
24 the results of the evaluation to the Committee or its designee.

25 The Program's determination whether or not Respondent successfully completed
26 the Program shall be binding.

27 Failure to participate in and complete successfully all phases of the Program, as
28 outlined above, is a violation of probation.

1 If Respondent fails to complete the Program within the designated time period,
2 Respondent shall cease the practicing as a Physician Assistant within 72 (seventy-two) hours
3 after being notified by the Committee or its designee that Respondent has failed to complete the
4 Program.

5 3. ETHICS COURSE Within 90 (ninety) days of the effective date of this
6 decision, Respondent shall submit to the Committee or its designee for its prior approval a course
7 in ethics, which Respondent shall successfully complete during the first year of probation.
8 Respondent shall participate in the ethics course at his own expense.

9 4. THIRD PARTY CHAPERONE During Probation, Respondent shall
10 have a third party while consulting, examining or treating female patients. Respondent shall,
11 within 30 (thirty) calendar days of the effective date of the Decision, submit to the Committee or
12 its designee for prior approval name(s) of persons who will act as the third party chaperone.
13 Each third party chaperone shall initial and date each patient medical record at the time the
14 chaperone's services are provided. Each third party chaperone shall read the Decision and the
15 Accusation, and fully understand the role of the third party chaperone.

16 Respondent shall maintain a log of all patients seen for whom a third party
17 chaperone is required. The log shall contain: (1) patient's name, address and telephone number;
18 (2) medical record number; and (3) date of visit. Respondent shall keep this log in a separate file
19 or ledger, in chronological order, shall make the log available for immediate inspection and
20 copying on the premises at all times during business hours by the Committee or its designee, and
21 shall retain the log for the entire term of probation. Failure to maintain a log of all patients
22 requiring a third party chaperone, or to make the log available for immediate inspection and
23 copying on the premises, is a violation of probation.

24 5. MONITORING/SUPERVISION Within 30 (thirty) days of the effective
25 date of this Decision, Respondent shall submit to the Committee or its designee for its prior
26 approval a plan of practice in which Respondent's practice shall be monitored by Respondent by
27 a supervising physician responsible for patients treated by Respondent.

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1 If the supervising physician/monitor resigns or is no longer available, Respondent
2 shall, within 15 (fifteen) days, move to have a new supervising physician/monitor appointed,
3 through nomination by Respondent and approval by the Committee.

4 Respondent shall not practice as a physician assistant until supervising physician
5 is approved by the Committee.

6 6. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

7 Respondent shall notify his current and any subsequent employer and supervising physician(s) of
8 his discipline and provide a copy of the Stipulation, Decision, and Order to each such employer
9 and supervising physician(s) during his period of probation, at the onset of that employment.

10 Respondent shall ensure that each employer informs the Physician Assistant Committee, or its
11 agent, in writing within 30 (thirty) days, verifying that the employer and supervising physician(s)
12 have been informed of this Stipulation and Order.

13 7. OBEY ALL LAWS Respondent shall obey all federal, state, and local
14 laws, and all rules governing the practice of medicine as a physician assistant in California, and
15 remain in full compliance with any court ordered criminal probation, payments, and other orders.

16 8. QUARTERLY REPORTS Respondent shall submit quarterly
17 declarations under penalty of perjury on forms provided by the Committee or its designee, stating
18 whether there has been compliance with all the conditions of probation.

19 9. SURVEILLANCE PROGRAM Respondent shall comply with the
20 Committee's probation surveillance program.

21 10. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall
22 appear in person for interviews with the Committee's medical or expert physician assistant
23 consultant upon request at various intervals and with reasonable notice.

24 11. TOLLING FOR OUT-OF -STATE PRACTICE OR RESIDENCE The
25 period of probation shall not run during the time respondent is residing or practicing outside the
26 jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of
27 California to reside or practice elsewhere, including federal facilities, respondent is required to
28

1 immediately notify the Committee in writing of the date of departure and the date of return, if
2 any.

3 12. INITIAL PROBATION INTERVIEW Respondent shall appear in person
4 for an initial interview with a designee of the Physician Assistant Committee within 90 (ninety)
5 days of the final decision. Respondent shall subject his to an initial interview at a time and place
6 determined by the Committee or its designee.

7 13. UNANNOUNCED CLINICAL SITE VISIT At least once per calendar
8 year, or more frequently as determined by the Committee or its designee, unannounced clinical
9 site visits shall be made by the Committee or its designee to ensure that respondent is complying
10 with all terms and conditions of probation.

11 14. COST RECOVERY The Respondent is hereby ordered to reimburse the
12 Physician Assistant Committee the amount of \$5,517.25 for its investigation and prosecution
13 costs. Respondent may pay the cost recovery amount on a quarterly installment basis during the
14 period of probation, or as specified by the Physician Assistant Committee. Failure to reimburse
15 the Committee's cost for its investigation and prosecution costs shall constitute a violation of the
16 probation order. The filing of bankruptcy by Respondent shall not relieve the Respondent of his
17 responsibility to reimburse the Committee for its costs.

18 15. PROBATION MONITORING COSTS Respondent shall pay the costs
19 associated with probation monitoring each and every year of probation, as designated by the
20 Committee, which may be adjusted on an annual basis. Such costs shall be payable to the
21 Physician Assistant Committee and delivered to the Committee no later than January 31 of each
22 calendar year. Failure to pay costs within 30 (thirty) calendar days of the due date is a violation
23 of probation.

24 16. COMPLETION OF PROBATION Respondent shall comply with all
25 financial obligations (e.g. cost recovery, restitution, probation costs) not later than 120 (one
26 hundred twenty) calendar days prior to the completion of probation. Upon successful completion
27 of probation, Respondent's certificate shall be fully restored.

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1 17. VIOLATION OF PROBATION If Respondent violates probation in any
2 respect, the Committee, after giving respondent notice and the opportunity to be heard, may
3 revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition
4 to revoke probation is filed against respondent during probation, the Committee shall have
5 continuing jurisdiction until the matter is final, and the period of probation shall be extended
6 until the matter is final.

7 18. VOLUNTARY LICENSE SURRENDER Following the effective date of
8 this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise
9 unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his
10 license to the Committee. The Committee reserves the right to evaluate the respondent's request
11 and to exercise its discretion whether to grant the request, or to take any other action deemed
12 appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered
13 license, respondent will no longer be subject to the terms and conditions of probation.

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16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and
18 have fully discussed it with my attorney, Joseph A. Welch. I understand the stipulation and the
19 effect it will have on my Physician Assistant License. I enter into this Stipulated Settlement and
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Physician Assistant Committee, Medical Board of California.

22 DATED: 10/11/2006

23
24 
25 MOHAMMAD H. RAHEEN, P.A.
26 Respondent

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1 I have read and fully discussed with Respondent Mohammad H. Raheen the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form.

4 DATED: 10-11-06

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6 
7 JOSEPH A. WELCH
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Physician Assistant Committee, Medical Board of California
12 of the Department of Consumer Affairs.

13 DATED: 10/13/06

14
15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 G. LYNN THORPE
19 Deputy Attorney General

20 Attorneys for Complainant

21 Stipulated Settlement - 2.wpd
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